

## 12.430 ENDANGERING CHILDREN OFFENSES

### **Reference:**

Ohio Revised Code Section 2919.22 - Endangering Children  
Ohio Revised Code Section 2151.421 - Official Report of Abuse or Neglect;  
Investigations; Disposition  
Standards Manual - 13.1.5, 42.2.1, 82.2.1

### **Information:**

In all cases of Endangering Children, the Hamilton County Department of Human Services Emergency Protective Service (241-KIDS) has the immediate and future responsibility for the care and protection of the children involved.

Personal Crimes Unit is responsible for all criminal investigations of Endangering Children.

### **Purpose:**

Guide and instruct police personnel in the investigation and reporting of Endangering Children offenses.

Provide data necessary for conversion of statutory reporting to Uniform Crime Reporting.

Comply with the requirements of Ohio Revised Code (ORC) Section 2151.421, to report all cases to the Hamilton County Department of Human Services.

### **Procedure:**

#### A. Care of Children Involved:

1. Cases where children require immediate care, protection, or supervision, the police officer discovering the condition will immediately telephone:
  - a. 241-KIDS.
    - 1) Request the immediate response of an emergency service worker. Give exact location of the incident. An emergency service worker will respond to calls from police 24 hours a day.
  - b. The Personal Crimes Unit.
    - 1) If the Personal Crimes Unit is off duty, complete a Personal Crimes Complaint Memorandum (Form 506).
2. Police officers will remain at the scene until an emergency service worker or a Personal Crimes Unit officer arrives.

- a. Emergency service workers will identify themselves by showing a white Department of Human Services identification card bearing the worker's photograph.
    - b. Police officers will release endangered children into the custody of 241-KIDS. The emergency service worker will assume full responsibility for the protection and placement of children.
    - c. If an emergency service worker is unable to respond immediately, transport the children and meet the service worker at the district.
    - d. Make a blotter entry noting any moving of the children by either 241-KIDS or the police.
  - 3. In all cases not requiring immediate response to provide care, protection, or supervision for the children, the police officer will notify 241-KIDS and send a completed Form 506 to the Personal Crimes Unit.
    - a. The police officer will request a follow-up investigation in the report. Explain an immediate response is not required.
  - 4. In cases requiring immediate emergency medical treatment for children, the officer will notify 241-KIDS and the Personal Crimes Unit. If the children are transported to a hospital, include the hospital's name with the other facts in the report.
- B. Reporting and Classifying Endangering Children:
- 1. Endangering Children - ORC Section 2919.22(A)
    - a. Occurs when a parent, guardian, custodian, person having custody or control, or the person in loco parentis of a child under 18 years of age, or a mentally or physically handicapped child under 21 years of age creates a substantial risk to the health or safety of such child by violating a duty of care, protection, or support.

Examples:

    - 1) A parent leaves the apartment and goes out drinking, leaving a two year old child alone.
    - 2) A parent refuses to prepare food for his children, who suffer malnutrition as a result.
    - b. Do not complete an Ohio Uniform Incident Report for violations of ORC Section 2919.22(A).
    - c. Complete a Form 506 in all cases involving actual or suspected violations of ORC Section 2919.22(A).

- 1) Give the report to the Personal Crimes Unit officer responding to the scene, or send the report to the Personal Crimes Unit office.
  - 2) The Form 506 must contain the following information:
    - a) The reporting person is the person who makes the complaint. It is not necessarily a parent. Make a Form 506 for each incident.
    - b) Nature of complaint will include:
      - 1] Notification time of 241-KIDS.
      - 2] The name and arrival time of the 241-KIDS worker, if there was an immediate response requested.
      - 3] The name of the Personal Crimes Unit officer who responded to the scene.
      - 4] Disposition of the children when the police officer left the scene (i.e., left with worker, left with relative, parent, etc.).
2. Endangering Children - ORC Section 2919.22(B)
- a. Occurs when any person does any of the following to a child under 18 years of age or a mentally or physically handicapped person under 21 years of age:
    - 1) Tortures or cruelly abuses a child.  
Examples:
      - a) A person takes a cigar and burns a victim several times with it.
      - b) A person places the victim's hand in scalding water.
    - 2) Disciplines the victim in such a manner as to create a substantial risk of serious physical harm.  
Examples:
      - a) Whipping the victim with a heavy electrical cord or heavy stick.
      - b) Punching the victim with fists, kicking, or pushing him down a flight of stairs.
    - 3) Repeatedly administers unwarranted discipline, and there is a substantial risk such conduct will seriously impair or retard the victim's mental health or development.

Examples:

- a) Repeatedly locking a victim in a closet.
  - b) Repeatedly tying a victim to a bed because of low school grades.
  - c) Repeatedly spanking a victim for bed wetting.
- b. Normally, a person administering discipline must have legal authority to do so, such as a parent, guardian, custodian, etc. If legal authority is not present, an offense may not have occurred under ORC Section 2919.22(B). However, some other type of assault offense may exist: i.e., Felonious Assault, Domestic Violence.
- 1) If the facts warrant an offense report other than Endangering Children, make the proper report. However, if protection for the child is necessary, follow Sections A.2. through A.5. of this procedure.
- c. In all cases involving actual or suspected violations of ORC Section 2919.22(B), the police officer discovering the condition will notify both 241-KIDS and the Personal Crimes Unit, as detailed in Sections A.2. through A.5.
- d. Complete an Ohio Uniform Incident Report on each child for all violations of ORC Section 2919.22(B).
- 1) Make an additional copy of the Ohio Uniform Incident Report and send it to the Personal Crimes Unit.
  - 2) Complete an Incident Report Supplement (Form 311I) and include the following information:
    - a) Information identifying the parents.
    - b) Notification time of 241-KIDS.
    - c) The name of the 241-KIDS worker and arrival time at the scene, if immediate response was requested.
    - d) Name of Personal Crimes Unit officer who responded to the scene.
    - e) The disposition of the children when the officer left the scene (i.e., left with worker, parent, taken to hospital, etc.).
- e. If the responding officer is unsure or only suspects a violation of ORC Section 2919.22(B), the officer will complete Forms 506 and 311I. Send the forms to the Personal Crimes Unit for follow-up investigation.